ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- v. -

ELVIN HESKEY,

Defendant.

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INDICTMENT

15 CRIM 228

15 Cr.

COUNT ONE

(Transportation of Child Pornography)

The Grand Jury charges:

1. From at least in or about December 2014, up to and including at least in or about April 2015, in the Southern District of New York, ELVIN HESKEY, the defendant, knowingly mailed and transported and shipped using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer, child pornography, to wit, HESKEY distributed by computer videos and images containing child pornography from his residence in the Bronx, New York.

(Title 18, United States Code, Section 2252A(a)(1).)

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DATE FILED: APR 10 2015

Judge Berman

COUNT TWO

(Receipt and Distribution of Child Pornography)

The Grand Jury further charges:

2. From at least in or about December 2014, up to and including at least in or about April 2015, in the Southern District of New York, ELVIN HESKEY, the defendant, knowingly did receive and distribute and attempt to receive and distribute material that contains child pornography that had been mailed, and using any means and facility of interstate and foreign commerce shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, to wit, HESKEY received on a computer located in the Bronx, New York, files containing videos and images containing child pornography, that were downloaded from the Internet.

(Title 18, United States Code, Sections 2252A(a)(2)(B) and (b)(1).)

COUNT THREE

(Possession of Child Pornography)

The Grand Jury further charges:

3. From at least in or about December 2014, up to and including at least in or about April 2015, in the Southern District of New York, ELVIN HESKEY, the defendant, knowingly did

possess and access with intent to view and attempt to possess and access with intent to view a book, magazine, periodical, film, videotape, computer disk, and other material that contained an image of child pornography that had been mailed, shipped and transported using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer, and that was produced using materials that had been mailed, shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, to wit, HESKEY possessed images of child pornography, including videos and images of prepubescent minors and minors who had not attained 12 years of age, on electronic devices that were located in the Bronx, New York.

(Title 18, United States Code, Sections 2252A(a)(5)(B) and (b)(2).)

FORFEITURE ALLEGATION

4. As the result of committing the offenses alleged in Counts One through Three of this Indictment, ELVIN HESKEY, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 2253(a), any visual depiction described in the offenses set forth in Counts One

through Three, and any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of Chapter 110 of Title 18, United States Code, and any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offenses, and any property, real or personal, used or intended to be used to commit or to promote the commission of such offense or any property traceable to such property.

(Title 18, United States Code, Section 2253(a).)

SUBSTITUTE ASSET PROVISION

5. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

(1) cannot be located upon the exercise of due diligence;

(2) has been transferred or sold to, or deposited with, a third person;

(3) has been placed beyond the jurisdiction of the Court;

(4) has been substantially diminished in value; or

(5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(Title 21, United States Code, Section 853(p).)

FOREPERSON

PREET BHARARA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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15 Cr.

(18 U.S.C. §§ 2252A(a)(1),
2252A(a)(2)(B) and (b)(1),
2252A(a)(5)(B) and (b)(2))

PREET BHARARA
United States Attorney.

A TRUE BILL

____
Foreperson.

4/10/15 - Filed Indictment
Case assigned to Judge Berman.
Judge Maas
USMJ